THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.17187 OF 1996

DATED: 9TH JUNE, 2006.

Between:

Petur, S/o. Lakshmanna … Petitioner

And

1. The District Collector, Mahaboobnagar District, Mahaboobnagar and another. … Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.17187 OF 1996

ORDER :

This writ petition is filed seeking a declaration that the proceedings of the 2nd respondent, dated 23-10-1995, thereby cancelling the Caste Certificate issued by the Mandal Revenue Officer as arbitrary and illegal.

Though various grounds have been raised on merits as to the correctness of the findings recorded by the 2nd respondent, the learned Counsel for the petitioner primarily contended that the 2nd respondent has no jurisdiction to pass the order under the provisions of The Andhra Pradesh (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993 (Act 16 of 1993) and on that ground alone the impugned order is liable to be set aside.

The learned Government Pleader points out that Act 16 of 1993 has come into force only on 16-5-1997 and prior to that G.O.Ms.No.282, Social Welfare Department, dated 9-12-1988 was in force under which the 2nd respondent was competent to pass the impugned order.

However, it is also brought to my notice that under G.O.Ms.No.282, dated 19-12-1988 no remedy of appeal was provided and having considered the same, a Division Bench of this Court in J. VIJAY KUMAER v. JOINT COLLECTOR & ADDITIONAL DISTRICT

MAGISTRATE, NIZAMABAD (Writ Appeal No.267 of 2003, dated 27-6-2003) held that the orders cancelling Caste Certificate under G.O.Ms.No.282, dated 19-12-1988 can be questioned in an appeal to the Government, on equitable grounds. It is also brought to my notice that in identical circumstances this Court disposed of several writ petitions granting liberty to the petitioners therein to prefer appeals before the Government.

Accordingly following the decision of the Division Bench in W.A.No.262 of 2003, dated 27-6-2003, the Writ Petition is disposed of granting liberty to the petitioner to prefer an appeal to the Government against the order impugned within a period of 30 days from today. If any such appeal is preferred within the time specified above, the same shall be entertained and shall be disposed of on merits in accordance with law as expeditiously as possible preferably within a period of two months from the date of preferring appeal. It is made clear that the interim stay granted by this Court pending this writ petition shall be continued till the disposal of such appeal. No order as to costs.

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G. ROHINI, J.

Dt. 9-6-2006

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